

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 15-20, 24-25, 29-30, 34-35, 39-40, and 53-57 are pending in this application. Claims 1 and 17-20 are amended. Claims 2-14, 21-23, 26-28, 31-33, 36-38, and 41-52 were previously cancelled.

**Examiner Interview**

Initially, the Applicants thank the Examiner for the polite and courteous interview conducted on August 19, 2009.

During the interview, the Applicant's representative and the Examiner discussed the arguments presented in the amendment filed on June 25, 2009. In particular, the interview focused on whether or not the cited art discloses "wherein the playitem includes duration information indicating whether to display the still images for one of a finite and an infinite period of time," as recited in claim 1.

During the interview, the Examiner asserted that Kashiwagi teaches "wherein the playitem includes duration information indicating whether to display the still images for one of a finite and an infinite period of time," as recited in claim 1, alleging Kashiwagi inherently includes duration information for at least finite periods of time. In response, the Applicant's representative argued that even if Kashiwagi inherently disclosed duration information for a finite period of time, that the Examiner still failed to show that Kashiwagi discloses a system which can display images for an infinite period of time. Furthermore, the Applicant's representative argued that the Examiner failed to show that Kashiwagi discloses "wherein the playitem includes duration information indicating whether to display the still images for one of a finite and an

infinite period of time,” since the Examiner failed to show that Kashiwagi can display images for an infinite period of time.

Although the Examiner initially appeared receptive to the above argument, the Examiner indicated that she would not withdraw her rejections of the claims asserting that Kashiwagi’s “inherent” duration information was enough to properly disclose the above feature. Therefore, agreement between the Examiner and the Applicant’s representative was not reached.

### **Claim Rejections under 35 U.S.C. § 103**

In the Office Action date May 12, 2009, the Examiner rejects claims 1, 13, 15-20, 24, 25, 29, 30, 34, 35, 39, 40, 43, 46, 49, and 52-57 under 35 U.S.C. § 103(a) as being unpatentable over Kashiwagi et al. (U.S. Publication Number 2004/0179820) in view Murase et al. (U.S. Patent No. 6,285, 826), in further view of Kato (U.S. Publication Number 2005/0025461). The Applicants respectfully traverse.

Initially, the Applicants note that independent claim 1 recites “wherein the playitem includes **first duration** information indicating **whether** to display at least one still image for one of a finite and an infinite period of time, and the playitem includes **second duration information** indicating a length of time to display at least one still image when the first duration information indicates to display at least one still image for a finite period of time.” The Applicants submit at least these features distinguish claim 1 from the combination of Kashiwagi, Murase, and Kato.

The Kato document discloses a playlist file including at least one playitem. As shown in FIG. 32 of Kato’s disclosure, Kato’s playitem includes the following fields: Clip\_information\_file\_name, STC\_sequence\_id, IN\_time, Out\_time, connection\_condition, and BridgeSequenceInfo(). The Clip\_information\_file\_name

specifies the filename of a Clip file and the IN\_time and Out\_time fields specify the playback domain of the Clip. The STC\_sequence\_id is referenced by the IN\_time and Out\_time in a case where the CPI\_type defined in the Playlist is EP\_map type, and the Connection\_Condition indicates the connection condition of previous PlayItem and a current Playitem (see paragraph [0286]). However, none of these fields indicate or suggest a playitem having "**first duration** information indicating **whether** to display at least one still image for one of a finite and an infinite period of time, and the playitem includes **second duration information** indicating a length of time to display at least one still image when the first duration information indicates to display at least one still image for a finite period of time," as recited in claim 1. Accordingly, the Applicants submit Kato cannot be relied on for disclosing the playitem including the aforementioned features of claim 1.

The Examiner has not alleged, nor can the Applicants find, a playitem including "**first duration information** indicating **whether** to display at least one still image for one of a finite and an infinite period of time, and the playitem includes **second duration information** indicating a length of time to display at least one still image when the first duration information indicates to display at least one still image for a finite period of time," as recited in claim 1, disclosed by Murase. Accordingly, the Applicants submit Murase cannot be relied on for teaching, suggesting, or disclosing "wherein the playitem includes **first duration information** indicating **whether** to display at least one still image for one of a finite and an infinite period of time, and the playitem includes **second duration information** indicating a length of time to display at least one still image when the first duration information indicates to display at least one still image for a finite period of time" as recited in claim 1.

The Examiner, on page 4 of the Office Action, alleges Kashiwagi discloses a playitem that includes duration information indicating whether to display a still image for one of a finite and an infinite period of time, and relies on paragraphs [0142] and [0224] and FIG. 20 for support.

In its entirety, paragraph [0142] recites:

Based on this system clock St79, the decoding system controller 2300 also generates the stream read signal St65 at a specific interval and outputs the read signal St65 to the stream buffer 2400. Based on the supplied read signal St65, the stream buffer 2400 outputs the reproduced bitstream St61 at a specific interval to the system decoder 2500 as bitstream St67.

Nothing in this paragraph teaches or suggests a playitem having duration information much less "wherein the playitem includes first duration information indicating whether to display at least one still image for one of a finite and an infinite period of time, and the playitem includes second duration information indicating a length of time to display at least one still image when the first duration information indicates to display at least one still image for a finite period of time," as recited in claim 1. Rather, this paragraph merely discusses generating and outputting a stream read signal to a stream buffer which uses that signal to output a bitstream to a decoder.

In its entirety, paragraph [0224] recites:

The "cells" referenced here may be all or part of the system stream, and are used as access points during playback. Cells can therefore be used, for example, as the "chapters" into which a title may be divided.

Nothing in this paragraph teaches or suggests a playitem having "first duration information indicating whether to display at least one still image for one of a finite and an infinite period of time, and the playitem includes second duration

information indicating a length of time to display at least one still image when the first duration information indicates to display at least one still image for a finite period of time,” as recited in claim 1. Rather, this paragraph merely discusses Kashiwagi’s cells in relation to the system stream and that that they can be used as access points that may be used during playback or that they may be used as chapters.

FIG. 20 illustrates a navigation-pack NV structure which includes a pack header as well as a PCI and DSI packet. FIG. 20 illustrates several fields including address information, playback information, angle information for seamless reproduction, etc. However, none of these fields disclose information which may indicate “wherein the playitem includes first duration information indicating whether to display at least one still image for one of a finite and an infinite period of time, and the playitem includes second duration information indicating a length of time to display at least one still image when the first duration information indicates to display at least one still image for a finite period of time,” as recited in claim 1, let alone a playitem including this information. Accordingly, the Applicants submit FIG. 20 does not disclose information which would render the playitem recited in claim 1 obvious.

In short, none of the cited portions of the Kashiwagi document teach, suggest, or disclose a playitem including “wherein the playitem includes first duration information indicating whether to display at least one still image for one of a finite and an infinite period of time, and the playitem includes second duration information indicating a length of time to display at least one still image when the first duration information indicates to display at least one still image for a finite period of time,” as recited in claim 1. However, the Examiner contends:

by serving as access point it automatically sets the playback (display) duration. Setting duration is inherent characteristic of Kashiwagi in that any image reproduced takes up a preset time interval (display life time) on the screen regardless of finite or infinite).

The Applicants point out that in order for an Examiner to establish that a certain feature is inherent in a disclosure “the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic **necessarily** flows from the teachings of the applied prior art.” *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original) (please also see MPEP § 2112(IV)). Additionally, the Applicants note that “[t]he fact a certain result or characteristic **may** occur or be present in the prior art is **not** sufficient to establish inherency of that result or characteristic.” *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (see also MPEP § 2112 (IV)). The Examiner has not asserted that Kashiwagi **requires** a playitem including “wherein the playitem includes **first duration information** indicating **whether** to display at least one still image for one of a finite and an infinite period of time, and the playitem includes **second duration information** indicating a length of time to display at least one still image when the first duration information indicates to display at least one still image for a finite period of time,” as recited in claim 1, or that such a feature necessarily flows from Kashiwagi’s disclosure, rather, the Examiner merely asserts, without any evidence, that Kashiwagi teaches duration information is an inherent characteristic of Kashiwagi. Accordingly, the Applicants respectfully submit that the Examiner has failed to properly satisfy the burden of proof associated with proving inherency.

Even if the cell information could be relied on for disclosing duration information indicating whether to display a still image for one of a finite and an infinite

period of time (which is not admitted), the Applicants note that none of the cited art teach, suggest, or disclose, "a management area storing at least one playlist file, the playlist file including at least one playitem...wherein the playitem includes **first duration information** indicating **whether** to display at least one still image for one of a finite and an infinite period of time, and the playitem includes **second duration information** indicating a length of time to display at least one still image when the first duration information indicates to display at least one still image for a finite period of time."

The Examiner, in the Advisory Action dated August 5, 2009, asserted the following position:

Kashiwagi teaches reproducing a playlist comprising playitems (i.e. chapters) (paras. 0223-0225). The duration of the playitem is not explicitly disclosed. However, the images can only be displayed for a specified period of time or an infinite (sic) period of time, there is not another option. Therefore, the playitem must include duration information in order to be displayed at all.

First, the Applicants point out that the Examiner has asserted, without any evidence, that Kashiwagi discloses displaying an image for an infinite period of time. However, even if the Examiner is correct in asserting that Kashiwagi inherently includes duration information for displaying an image for a finite or infinite period of time, the Examiner has not explained why the information would have to be stored in a playitem. Accordingly, the Applicants submit the Examiner has failed to show that Kashiwagi discloses a playitem having the features recited in claim 1.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 1, and all claims which depend thereon, under 35 U.S.C. § 103 as being obvious over the combination of Kashiwagi, Murase, and Kato be withdrawn.

For somewhat similar reasons, the Applicants respectfully request the rejection

of claims 17-20, and all claims which depend thereon, under 35 U.S.C. § 103 as being obvious over the combination of Kashiwagi, Murase, and Kato be withdrawn.

**<Remainder of Page Intentionally Left Blank>**



**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of the present application is earnestly solicited.

Pursuant to 37 CFR §§ 1.17 and 1.136(a), Applicants petition for a one (1) month extension of time for filing a reply to the May 12, 2009 Office Action, and submit the required \$130 extension fee herewith.

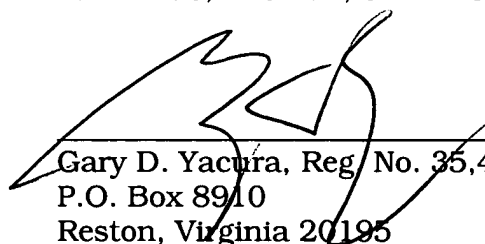
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
\_\_\_\_\_  
Gary D. Yacura, Reg. No. 35,416  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

GDY/DMB:eaf